MINERAL KING PRESERVATION SOCIETY

SPECIAL BULLETIN

Mineral King Preservation Society

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NATIONAL REGISTER UPDATE

The year 1992 will prove to be the Mineral King Preservation Society's (MKPS) most critical one yet in terms of the Society's quest for a National Register determination of eligibility. In the past a group or individual has always been available with necessary funds to help MKPS over the rough spots. To insure timely success in the nomination process the Society must now meet these responsibilities as an organization.

We are in need of funds to met the current contract amount of $11,300 to complete the Multiple Properties Nomination treatise for the Mineral King Historic District.

To accomplish this immediate goal MKPS is asking for donations of any amount. MKPS "wish list" is a donation of $50 or more per person to help the Society fulfill its budget requirements for 1992.

MKPS is actively seeking matching grants from organizations who make these monies available to nonprofit groups such as MKPS. A matching grant would double the value of your donation. IRS has determined these donations are tax deductible, I.D. #77-0174309, section 501 (c) (3).

None of the accomplishments which have been achieved through the past six years would have been possible without your contributions and memberships. You have been a vital partner in this historic effort. Through your donation you will be a participant in determining the future of Mineral King.

Thank you,

Mineral King Board of Directors

- -

Please clip & mail to MKPS, 2936 S. West St., Visalia, CA 93277

Yes, I support MKPS and this donation is to be used for the Mineral King Historic District.

Name: _____ Amount Enclosed $_____

Address: _____

_____

MKPS
2936 S. WEST STREET
VISALIA, CA 93277

(209) 734-6150

2023.009.0402 A

COPY

October 28, 1992

Mr. J. Thomas Ritter
Superintendent
Sequoia & Kings Canyon National Parks
Three Rivers, CA 93271

RE: Mineral King Multiple Properties Documentation

Dear Tom:

This letter is intended as an official request for approval of a grant (SNHA to MKPS). Please consider this proposal during the upcoming Board meeting of the Sequoia Natural History Association (November 1992). The amount of $5,650 constitutes 50 per cent of the funds needed to complete a draft **Multiple Properties Documentation Form** (NPS 10-900-b) for the Mineral King district, Sequoia National Park.

Enclosed please find a copy of the current work plan authorized by the Board of Directors of the Mineral King Preservation Society in July 1992. In order to insure a timely completion of the project, it was necessary to accomplish fieldwork and research tasks during the 1992 summer/fall season. At present, approximately one-third of the work as outlined in the enclosure has been completed.

As you are aware, MKPS has worked several years formulating the objectives of the **National Register of Historic Places** (NR) nomination project. The goal of this effort is to complete scholarly research and documentation to assist the NPS in planning and policy-making relative to the cultural resources of the Mineral King district.

During this process, various NPS staff, including William Tweed and Ellen Seeley, in cooperation with MKPS, have determined that the most effective approach would be the treatment of the district as a Multiple Properties nomination. Since 1987, MKPS has expended thousands of dollars and volunteer hours in planning and research in preparation for the current project.

The matching amount of $5,650 represents only a small fraction of the MKPS investment in the support of Sequoia National Park in this important NPS historical program. The SNHA grant is critical to the timely completion of the multiple properties format.

2023.009.0402 B

Thank you in advance for your ongoing assistance with this project. We look forward to being partners with the SNHA in this worthwhile endeavor. If you should have any questions or need more information, please don't hesitate to contact the undersigned.

Respectfully submitted,

_____
John F. Elliott, MKPS Historian

Approved by:

MINERAL KING PRESERVATION SOCIETY

_____
Jim Barton, Vice President

enc.

cc: Ellen Seeley
Ora Kay Peterson

2023.009.0402 c

November 19, 1992

COPY

Ora Kay Peterson/MKPS Board of Directors
2936 S. West Street
Visalia, CA 93277

RE: MKPS/NR Update

Dear OKP:

A great deal has transpired since our last conversation. It seems that Ellen Seeley supports what MKPS is doing, however, other management persons at Ash Mountain are fearful that MKPS just might be successful with the NR nomination.

As many suspected all along, the only support we will get from Ash Mountain is "lip service." Jim Barton recently received correspondence from Ritter stating that the MKPS project is of "merit" but the closing of Crystal Cave has depleted SNHA funds. He also indicated that supporting such a request might possibly, according to the ranger handbook, be a conflict of interest. Therefore, he will not be approving the MKPS grant request.

In actuality, this correspondence is not all negative. In fact, the lines may now be clearly drawn for the challenge that we face in 1993. I would like to discuss plans for the 1993 agenda at the next Board meeting. In terms of the NR/MPD project, there will be no further communication with Ash Mountain.

I am also preparing documentation to accompany the nomination which will detail the failure of Ash Mountain to deal with MK cultural values in park policy and planning. Furthermore, I will report on several improprieties in terms of their lack of cooperation throughout the NR process.

During the ensuing months, it is extremely critical that MKPS complete the Pinkham agreement and a permit be in place for 1993. Ash Mountain will no longer be privy to the status of the NR project; MKPS will raise the necessary funds to complete the project. In the long term, the fact that we did so will make our position more politically viable.

I will be available to meet with the Board on the following dates: November 28, December 26, or early January. Please advise as soon as possible so I may plan the date.

The agenda of the meeting should address, but not be limited to, the following topics: (1) NR project,(2) 1993 schedule,(3) Dixon publication, (4) Fundraising, (5) Pinkham Agreement, (6) Newsletter, etc.

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Also, keep in mind that we should publish a newsletter in January to avoid the cash flow vacuum we experienced in early 1992. I will assist on the production. Let us also make an effort to purge the deadbeats from the rolls and send extra copies to potential new members.

The Preface for the Dixon publication has been finalized. I will forward for Board review as soon as Van's latest comments are received. I would especially like to thank Stoney and Ora Kay for their suggestions which were incorporated.

The NR nomination is steadily progressing. I spoke with Sherry last week and her part is nearly complete. I am confident that it will be excellent evidence that the cabins represent a significant architectural idiom. An edited version will be synthesized in the contextual history and will, undoubtedly, broaden its appeal.

Brock's maps are in the works. I still need to meet with him to finalize the Empire map. We are also revising the district boundaries to encompass more accurately only the acreage relevant to the first submittal. This, I recently learned, is the foremost reason why districts encounter problems; the acreage included must be justified by the presence of historic properties.

I still believe that nominating the Mineral King Historic District would have been far less complex with the cooperation of Ash Mountain. I personally have extended to them every opportunity to support this endeavor. Unfortunately, for all of us concerned about the future of Mineral King, Ash Mountain has chosen to pursue "other priorities."

In closing, I want to thank the Board for your ongoing support in the NR project. Should you have any questions or comments, please don't hesitate to call.

Respectfully,

ELLIOTT RESEARCH ASSOCIATES

John F. Elliott

John F. Elliott
Director

enc.

cc: Jim Barton
Bill Martin
Stoney Savage

2023.009.0402 a

COPY

INVOICE

ELLIOTT RESEARCH ASSOCIATES
P.O. Box 342
Silverado, CA 92676

Date: November 16, 1992 No. 92-006

To: Mineral King Preservation Society
2936 S. West Street
Visalia, CA 93277

Description

DRAFT Multiple Properties Documentation Form
(NPS 10-900-b)

October-November 1992 billing

For: Progress Payment No. 4
(4 of 9)

TOTAL DUE..... $ 1,255.00

2023.009.0402 F

DRAFT

November 23, 1992

Mr. William Tweed
United States Department of the Interior
National Park Service
Sequoia and Kings Canyon National Park
Three Rivers, CA. 93271-9700

Re: Mineral King Preservation Society
Lot No. One - East Mineral King
Sequoia National Park, California

Dear Mr. Tweed:

We have reviewed the text of the proposed "Memorandum of Agreement" for the temporary status of the improvements on Lot One, East Mineral King which you mailed to John Elliott on April 15, 1992.

We appreciate the willingness of the NPS to work with the MKPS in a spirit of cooperation, which we agree is in the public's behalf.

Our revised proposal, approved subject to legal review at an October 7, 1992, MKPS board of directors meeting, further revised by our legal counsel, Merl Ledford, on October, 27, 1992, and finally approved by the MKPS board of Directors on November _____, makes very few non grammatical changes of the intent of the previous text suggested by the NPS except to incorporate the important fact that the Pinkham Trust, a private owner, has abandoned and quitclaimed in writing all title and further claims to the improvements on Lot One to the MKPS, a nonprofit public benefit corporation.

Regarding your September 15, 1992, correspondence to Ora Kay Peterson concerning a letter you received from the Ledford Law Corporation, there were miscommunications on our part resulting from our July, 13, 1992 board meeting minutes not being distributed and clearly communicated to those present and not present at that meeting.

Suffice it to say that, if you have any question about any correspondence from the MKPS, you should contact our NPS liaison, Jim Barton. If he is not available please contact our executive director, Ora Kay Peterson. It will further benefit you to know that it is the general policy of the MKPS that; " Correspondence to the NPS from any individual associated with or employed by the MKPS does not formally represent the MKPS unless it includes the signature of the Executive Director, President, Vice President, or Secretary/Treasurer."

Please contact Jim Barton and/or Ora Kay Peterson after you have reviewed the enclosed memorandum.

Yours truly,

William A. Martin, President MKPS

Ora Kay Peterson, Executive Director

2023.009.0402G

TO: MINERAL KING PRESERVATION SOCIETY BOARD OF DIRECTORS

FROM: WILLIAM A. MARTIN **November, 23, 1992**

Dear MKPS board:

As per the October 7, 1992 board meeting instructions, the revised memorandum of agreement concerning the Pinkham cabin was submitted to Merl Ledford for his legal review. Enclosed please find his revisions along with my proposed cover letter to Bill Tweed. These revisions, while minor, nevertheless should require board approval. Please contact Ora Kay with your evaluation as soon as possible.

Merl's comments on his proposed revisions are as follows:

"1. The recital that NPS cannot by law further extend the expired permit authorizing occupancy of the cabin is incorrect. NPS has an administrative right to do just exactly that. To that end, I have recommended language recognizing that the NPS position be extended but that MKPS not endorse that position. Further, I have added language specifically limiting the NPS' statement of position to the private use and occupation of the cabin rather than general use and occupation. For example, I am sure that Mr. Tweed would not take the position that Park Service personnel could not use the cabin. MKPS, as a federally recognized public benefit non-profit entity, has the same as the National Park Service with regard to occupation and use, which should be recognized in the documentation.

2. Paragraph (1) the reference to guidelines provided by the NPS Cultural Resources Management Office has been deleted. At a practical level, it would be simple for the Cultural Resources Management Office to issue no guidelines in which case no work could be done. The cabin would fall into disrepair and ruin. That could well be exactly the intent of the language. Moreover, there is no safeguard requiring the Cultural Resources Management Office to take action or requiring Mr. Tweed to forward any action taken by the office to MKPS.

3. The last sentence of Paragraph (2) of the Agreement has been deleted. The improvements made by the Society are being made on property owned by the Society. It is not in the Society's interests for the Society to give away parts of its property to the US. Government for non-charitable purposes. I do not know what contingency the language concerning "future claims against the government or MKPS" was intended to deal with. The language, in my view, would be completely insufficient to prevent the government from making a claim of ownership to the cabin improvements after the requested "donations" were made in the form of routine maintenance.

4. I have revised Paragraph (3) to specifically permit use and occupancy of the cabin during periods of improvement. Private residential use of the cabin would, in my view, be inconsistent with the letter of MKPS's Articles of Incorporation, By-Laws, and federal tax exemption.

With the changes set forth above, I believe that the temporary status memorandum of agreement accurately reflects both the legal facts of life as they pertain to the cabin as well as the negotiation realities of the situation. "

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Regarding the miscommunications between the board and Merl Ledford, Merl and Bill Tweed, and John Elliott and Bill Tweed, I feel that the October 7, 1992 board motion and my proposed cover letter to Bill Tweed sufficiently deals with the issue as far as the NPS is concerned. However, Merl feels that the credibility and/or effectiveness of his office on behalf of the MKPS has been severely compromised if not destroyed by what has taken place. He has suggested that the board consider finding new legal counsel. I don't agree that we should.

In my view what has been communicated to the NPS is that;

1. The Park has a perceived "buddy" in John Elliott, a capable adversary in Merl Ledford, and a reliable liaison in Jim Barton.

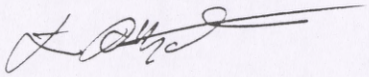
2. The MKPS board and its representatives reflect the ideological spectrum of its membership.

3. "Cooler" heads (MKPS board majority) are prepared to work with the NPS on the public's behalf but that the MKPS is well prepared and willing to unleash our legal counsel if the NPS is unreasonable and/or uncooperative.

While I would prefer to sit down with Merl one on one and work something out, I'm not entirely sure I would be representing the wishes of the board majority. Therefore, I feel the entire board needs to address and clarify this issue, dertermine if my cover letter reestablishes Merl's credibility, and provide Merl with a clear response to his concerns.

Regards,

William A. Martin



2023.009.0402 I

DRAFT

MEMORANDUM OF AGREEMENT
FOR THE TEMPORARY STATUS OF THE
"GRIGGS/BRUNDAGE" CABIN
(LOT 1, EAST MINERAL KING)
SEQUOIA NATIONAL PARK, CALIFORNIA

This Agreement is made and entered into this _____ day of _____, 1992 by and between the MINERAL KING PRESERVATION SOCIETY ("MKPS" herein) and the NATIONAL PARK SERVICE, SEQUOIA AND KINGS CANYON NATIONAL PARKS ("NPS" herein)

RECITALS

WHEREAS, it is in the mutual interest of both MKPS and NPS to actively pursue the preservation of the cultural resources of Mineral King and it is desirable for with parties to protect those properties which may be potentially significant and worth of preservation;

WHEREAS, MKPS is a Non-profit Public Benefit Corporation founded in 1986 and dedicated to the preservation of cultural values, artifacts, structures, and historical sites of Mineral King;

WHEREAS, MKPS is currently, and has been since 1988, in the process of seeking an official "determination of eligibility " leading to the completion of a multiple properties documentation for a proposed Mineral King Historic District to be listed on The National Register of Historic Places;

WHEREAS, MKPS has successfully completed the restoration of the Honeymoon Cabin and is currently the custodian of said historical resource;

WHEREAS, the Pinkham Trust has abandoned and quitclaimed in writing all title and further claims to the cabin and and remaining property on Lot 1, East Mineral King, to the MKPS;

WHEREAS, MKPS is uniquely qualified to own on the public's behalf, all property remaining on Lot 1, East Mineral King;

WHEREAS, NPS takes to position that it cannot by law further extend the now expired permit authorizing private use and occupation of the cabin in question, and there is a question as to the possible historical significance of the subject structure;

WHEREAS, it is in the interest of the American people to maintain intact the subject cabin until such time as its historical significance is clearly established; and

WHEREAS, the NPA is authorized under 16 USC 464 to enter into cooperative agreements to further its authorized programs and responsibilities.

NOW, THEREFORE, the parties hereto, in furtherance of the previous recitals, agree to the following terms and conditions:

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(1) It is understood by all parties concerned that it is the responsibility of MKPS to preserve and maintain the subject cabin in a stable condition until such times as a determination of eligibility to THE NATIONAL REGISTER of HISTORIC PLACES is obtained. This work will be in consultation with the NPS Cultural Resources Management Office. The NPS will not have the right to require action by MKPS, nor will any MKPS action be undertaken, that is inconsistent with NPS and national historic preservation guidelines.

(2) MKPS will assume all responsibilities for upkeep and maintenance as well as limitation s previously applicable to the deceased permittee.

(3) During the period of this agreement the cabin will not be occupied for private residential purposes, except as authorized in writing by the Superintendent of Sequoia National Park. Provided, however, that persons working on the cabin may use and occupy the cabin in a manner consistent with MKPS' Articles of Incorporation, By-laws, and letter of exemption from federal taxation.

(4). The NPS will issue a Special Use Permit to MKPS for a fee of $1.00 (one and 00/100 dollars) per annum granting it the privilege to preserve and maintain the property in question. This permit will be renewed annually if the terms and conditions set forth herein are executed faithfully and until a determination of eligibility has been obtained.

(5) When appropriate review has been completed necessary for a final "Determination of Eligibility, this agreement will automatically terminate.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT.

MINERAL KING PRESERVATION SOCIETY

Dated:_____

_____ _____

President Executive Director

SEQUOIA AND KINGS CANYON NATIONAL PARKS

Dated:_____

_____

Superintendent

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